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Director's Office
Office of Patent Publication

In re Application of :
MORRIS, MITCHELL JOSEPH AIOSA, et al. :
Application No. 09/699,776 : **DECISION ON PETITION**
Filing Date: October 30, 2000 :
Attorney Docket No. MJAM-1999-002 :

This is a decision on the Request For Reconsideration Of Decision On Petition Dated February 28, 2005 To Dismiss Petition To Withdraw The Notice Of Abandonment Under 37 CFR 1.181, received in the United States Patent and Trademark Office (USPTO) on March 14, 2005. The attached Petition For Adjustment Of The Patent Term Adjustment will be forwarded to the Office of Patent Legal Administration.

The Request is **GRANTED**. The Decision of Petition mailed February 23, 2005 is **VACATED**.

On November 17, 2003 the USPTO received the applicant's Response To The Notice Regarding Drawings (Response) with a Certificate of Mailing (37 CFR § 1.8) executed on November 12, 2003 and 22 sheets of formal drawings. The Response, the Certificate of Mailing and the formal drawings are present in the application file (scanned as IFW image).

Petitioner states that since the corrected drawings were submitted on November 12, 2003, the next business day after the Federal Holiday, Veteran's Day November 11, 2003, the corrected drawings were timely and the application should not have gone abandoned.

Petitioner statement is correct. Apparently, the determining factor to abandon the application was based on a misprinted calendar, which indicated that Veteran's Day was recognized on Monday November 10, 2003. However, the Office was closed on November 11, 2003 in recognition of the holiday, therefore the fee can be paid on the next succeeding business, which was Wednesday, November 12, 2003.

In view of the above, the holding of abandonment is hereby withdrawn and the corrected drawings accepted as timely filed.

Telephone inquiries concerning this decision should be directed to the undersigned at 703-308-9250.

Thomas E. Hawkins
Paralegal Specialist
Office of the Director
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